

P07 41795 (18810-80334)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Date: December 26, 2002

Re application of: Readhead et al.  
Serial No. 09/292,723  
Filed: April 15, 1999  
For: TRANSFECTION, STORAGE AND TRANSFER OF MALE GERM  
CELLS FOR GENERATION OF TRANSGENIC STEM CELLS

Examiner: Woitach, J.  
Unit: 1632

RESPONSE TO FINAL OFFICE ACTION

Assistant Commissioner for  
Patents  
Washington, D. C. 20231

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D. C. 20231, ON <b>December 26, 2002</b>	
BY	
	ANN WEISS
	<b>December 26, 2002</b> (DATE OF SIGNATURE)

Dear Sir/Madam:

This is in Response to the final Office Action, mailed January 3, 2002, for the above-captioned patent application. Applicant did not receive the Office Action until November 11, 2002, when it was transmitted by facsimile to Applicant's undersigned attorney by Examiner Woitach. This response is submitted on or before December 26, 2002, with a *Petition to Revive an Unavoidably Abandoned Application* and request for an extension of time, under 37 C.F.R. § 1.136(a), and the requisite fee under 37 C.F.R. § 1.17(a). In connection with the above-captioned application, the Examiner is respectfully requested to enter the following amendment and consider Applicant's remarks.

**RECEIVED**

JAN 03 2003

**OFFICE OF PETITIONS**

## AMENDMENT

A Version With Markings To Show Changes Made is included after Applicant's Remarks.

### In the Specification:

At page 1, lines 3-5, please delete the paragraph, and insert the following paragraph therefor:

--This application is a continuation-in-part of U.S. Patent Application 09/191,920, filed November 13, 1998, which issued as U.S. Patent No. 6,316,692, on November 13, 2001, and which claims the benefit of U.S. Provisional Application No. 60/065825, filed on November 14, 1997.--.

At page 10, lines 22-30, please delete the paragraph, and insert the following paragraph therefor:

--The present invention also relates to a method of obtaining selectable transgenic stem cells by transfecting a male germ cell with a DNA construct comprising a stem cell-specific promoter, for example, a cyclin A1 promoter, operatively linked to a gene encoding a fluorescent or light-emitting reporter protein. The present invention also relates to selectable transgenic stem cells that have stably integrated the DNA and non-human transgenic vertebrates comprising them. In stem cells other than germ cells, expression of the reporter gene from a cyclin A1 promoter in vivo is facilitated by the use of flanking insulator elements. Alternatively, when transgenic stem cells are grown in vitro, inhibitors of DNA methylation can be added to the culture medium.--.

At page 12, line 5, please delete the paragraph, and insert the following paragraph therefor:

--Figure 2 represents transcriptional start sites in the human cyclin A1 gene (nucleotide positions -70 through +10 are shown; SEQ ID NO:35).--.